

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
July 14, 2020**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, July 14, 2020 virtually via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:03 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell
Whitney Oakley
Rich Pulliam
Denice Smith
Donna Sus
Phyllis Webb

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Danette Ruvalcaba, *Director of Finance and Technology*
Alison Belcher, *Public Relations Coordinator*
Sara Aragon, *Community Development Coordinator*
Deb Merkle, *Community Development Manager*
Dan Giroux, *Town Engineer*
Daymon Johnson, *Public Works Director*
Robin Price, *Assistant Public Works Director*
Steve Hebert, *Planning and Economic Development Manager*
Melinda Culley, *Kelly P.C., Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Paul Sigg, Kathy Smiley, Nichole Harrell, Allan Rutherford, Amie Williams,
Tony Carey, Alan Matlosz, Jeanette Sigg, Leslie Brown, Jon Chapman,
Mandie Chapman, Carol Reszka, Kate Sauder, Tara Marr, Mike Gilmore

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the agenda presented.
The voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus, Webb, Harrell

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Smith, Sus, Webb, Harrell, Oakley

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Approval of Minutes

Action: Approval of June 23, 2020 Regular Meeting Minutes.

Action: Approval of June 30, 2020 Special Meeting Minutes.

In Process

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Paul Sigg, 48801 East 104 Avenue, commented to the Board of Trustees he is in favor of opting out of the Tri-County Health Public Health Order mask mandate.

Leslie Brown, 41901 East 88th Avenue, commented to the Board of Trustees she is in favor of opting out of the Tri-County Health Public Health Order mask mandate.

Mandie Chapman, 325 Washington Avenue, commented to the Board of Trustees she is in favor of the Town of Bennett opting out of the Tri-County Health Public Health Order mask mandate.

Mike Gilmore, 67 South Dutch Valley Road, commented to the Board of Trustees he is in favor of the Town of Bennett opting out of the Tri-County Health Public Health Order mask mandate.

Carol Reszka, 460 6th Street, commented to the Board of Trustees she is in favor of the Town of Bennett to opt in regarding the Tri-County Health Public Health Order mask mandate.

Kate Sauder, 2625 North Peterson Road, commented to the Board of Trustees she is in favor of the Town of Bennett opting out of the Tri-County Health Public Health Order mask mandate.

Amy Gilmore, 67 South Dutch Valley Road, commented to the Board of Trustees she is in favor of the Town of Bennett opting out of the Tri-County Health Public Health Order mask mandate.

Tara Marr, 515 2nd Street, commented to the Board of Trustees she is in favor of the Town of Bennett opting out of the Tri-County Health Public Health Order mask mandate.

5. REGULAR BUSINESS

A. Action/Discussion Items

1. Discussion of Opt Out of Tri-County Health Order RE: Facial Coverings.

Trish Stiles, Town Administrator, reported to the Board of Trustees, Tri-County Health voted on July 8, 2020, to authorize Dr. Douglas to issue the mask mandate Public Health Order to Adams County, Arapahoe County and Douglas County. The Public Health Order also provides a provision to the counties and municipalities to "opt out" of the mask mandate in writing through the governing body. The counties and municipalities have a deadline to opt out of July 23, 2020. The order will become effective on July 24, 2020.

Statistics in Adams County, throughout the COVID-19 pandemic, have shown a higher incident rate of infection possibly due to the amount of staffed Adams County essential workers vs those who have been classified as non-essential workers. Adams County infection, testing, hospitalization reporting rates have shown an increase in the last 14 days.

Lynette White, Economic Development Coordinator, has been in consistent contact with the Business Advisory Committee and the Town of Bennett business'. Twelve business were contacted and 9 of the Bennett business' were in favor of the Town of Bennett opting out the Tri-County Health Public Health Order mask mandate, while 3 Bennett business' were in favor of opting in the Tri-County Health Public Health Order mask mandate. The business' reported that social distancing protocols have been in place in all Bennett business' which includes masks worn by employees, signs encouraging the use of face masks, providing masks to customers, and providing hand sanitizers. Although there is some divide amongst the customer base, most customers are willing to comply with the protocols and guidelines set in place by the local business'.

Tri-County Health is updating their reporting system. The current reported COVID-19 cases in Bennett are at 23 (4.06 per 100,000). Although there is not specific reporting on the Tri-County Health reporting system for the Town of Bennett, the Adams County rate of infection is 4.06 per 100,000 and the Arapahoe County rate of infection is at 4.67 per 100,000. Tri-County Health reporting system reports the Eastern portion of Adams and Arapahoe County indicates a low category rate of infections. There is an uptick in hospitalization rates based on reports from Tri-County Health. There are currently 378 statewide hospitalizations.

Staff recommends the Board of Trustees approve Resolution No. 828-20 finding the area proposed to be eligible for annexation and to approve Ordinance No. 710-20 the annexation of the 300 Bennett Avenue property. Staff also recommends the Board of Trustees approve Resolution No. 833-20 approving and annexation agreement for the 300 Bennett Avenue annexation.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE OAKLEY SECONDED the Town of Bennett, Opt Out of the Mandatory Mask Requirement and Direct Town Staff to Send a Letter to Tri-County Health Requesting the Town of Bennett Opt Out. Voting was as follows:

YES: Smith, Sus, Webb, Harrell, Oakley, Pindell

NO: Pulliam

Mayor Royce Pindell declared the motion passed 6 to 1.

Mayor Royce Pindell called for a recess at 7:54 pm. The meeting resumed at 8:00 pm.

2. 2020 Water Revenue Bond

Ordinance No. 712-20 – An Ordinance of the Town of Bennett, Colorado, Acting by and Through Its Water Activity Enterprise, Authorizing a Financing to Provide for the Acquisition of Renewable Water Rights and the Construction of Well Field Improvements; and Establishing Covenants in Connection with the Financing and Providing for the Payment of the Authorized Bonds from Revenues of the Water Activity Enterprise.

Danette Ruvalcaba, Director of Finance and Technology, reported to the Board of Trustees, the Town of Bennett is seeking a Bond Issuance in the amount of \$4,725,000.00. The bond will fund the purchase of water rights, wells and/or water storage.

The Town of Bennett undergoes a rigorous vetting process including review of Town financials and the overall economic outlook of the Town's ability to bond.

The 2020 Water Bond team is made up of:

- Stifel, Nicolaus & Company, Inc. – Underwriter – Alan Matlosz
- Kutak Rock-Bond Counsel – Ken Guckenberger
- S&P Global Rating
 - The Town of Bennett received an A- rating, this is a strong financial security characteristic.

Alan Matlosz, Stifel, Nicholas & Company, Inc., spoke to the A- rating given to the Town. If the Board of Trustees approve the bond, approval will not have any effect on the current existing water loans with the other State agencies due to the strong financial condition of the Town water revenue. The fixed interest rate is below 3% for a 25-year period with the ability to pre-pay.

The steps that would be taken are:

- Post a preliminary official statement. This document is used to sell the bonds.
- Schedule a sale date – two weeks' out
- Sell the bond
- Close the sale

The proceeds would be sent to the Town of Bennett to be used for water projects at the Town's discretion. The pledge from the Town of Bennett is to repay the bonds with revenue from the water fund. If the revenues are not sufficient to cover the payment, the Town would have to cut expenses or increase revenues to make payment.

Melinda Culley, Kelly P.C., Town Attorney, reported to the Trustees the bond document before them sets the parameters of how the bonds will be issued. Section 3E of the bond refer to the sale parameters. Final maturity date is Dec. 1, 2045 and the highest interest rate on the bond would be 4.25%. This is very similar to bonds issued to the Town of Bennett in the past.

Cash Flow Scenarios:

	Scenario 1	Scenario 2	Scenario 3
Base Rate-Debt Service	2.5%/year	\$2, 2.5%/year	\$13, 2.5%/year
Usage Rate-Operations	2.5%/year	2.5%/year	3%/year
Capital Projects	All CAIMP Projects	CAIMP for Current Development	No New Projects
Water Portfolio Expansion	As planned in CAIMP	Postponed	None
Reserve Policy	10 years, 2% inflation	15 years, 2% inflation	30 years, 1% inflation

TRUSTEE PULLIAM MOVED, TRUSTEE SMITH SECONDED, to approve Ordinance No. 712-20 – An Ordinance of the Town of Bennett, Colorado, Acting by and Through Its Water Activity Enterprise, Authorizing a Financing to Provide for the Acquisition of Renewable Water Rights and the Construction of Well Field Improvements; and Establishing Covenants in Connection with the Financing and Providing for the Payment of the Authorized Bonds from Revenues of the Water Activity Enterprise. Voting was as follows:

YES: Smith, Sus, Webb, Harrell, Oakley, Pindell, Pulliam

NO: None

Mayor Royce Pindell declared the motion passed by unanimous vote.

3. State Highway 79 Widening – Muegge Way Intersection Improvements

Dan Giroux, Terramax, Inc., Town Engineer, reported to the Board of Trustees, since the completion of construction of the new Town Hall, upgrades to the intersection of Muegge Way and State Highway 79 are recommended. The Town's traffic studies have indicated the usage at the Adams County Department of Motor Vehicles, Bennett Recreation Center and new Town Hall at the Town's Civic Center campus has increased.

The studies show left turn lanes in and out of the campus are warranted. The studies have also shown a right turn deceleration lane from the north would later be required, following left turn lane improvements, and projected to lag about one to two years behind the initial improvements.

Project concept and design consideration program would include:

- Chronic area storm water drainage and icing problems
- Future Muegge Way westerly build-out plans, function and alignment
- Rec Center building offsets and sign-distance conflicts
- Future long-term developer and development planning to the south
- Existing SH 79 asphalt and curb & gutter limits
- Overall future Town Main Street cross-section and right-of-way position
- SH 79 Regional Trail integration, access, crossings and connections
- Town ground-level water storage tank #6 housing and operational plumbing offsets
- Existing power pole, water main, fiber optic and other utility considerations
- Aesthetics and appearance, and existing improvements, especially in 79 frontage areas
- Colorado Department of Transportation (CDOT) requirements.

Town Staff resolved to consider and confront a heartier and future-ready design solution. The approach is to specifically build upon the Town Main Street master plan road section. This includes curbs & gutters, inlets and pipes for storm water control, using alignment and widths designed to best line up with the future, final Main Street build-out.

RFP 20-008 was posted on May 22, 2020, with a proposal due date extended to June 24, 2020. The Contractors were required to provide information regarding staffing, experience, qualification and project approach statements in addition to pricing and schedule commitments.

PLM-ESI and Kuhn Construction responded to RFP 20-008. The proposals submitted from the firms are both over the amount the Town currently has budgeted. The Town can conduct a Value Engineering ("V-E") process to reduce the proposed contract project amount. The process will assist the Town in evaluating the best benefit/cost approach for improvements that can be reduced, removed, deferred or adjusted to provide the best value to the Town. CDOT involvement, support and approval will be relevant to inform any final project scope adjustments.

TRUSTEE PULLIAM MOVED, TRUSTEE SMITH SECONDED, to authorize the Mayor of the Town of Bennett to sign a standard Town Construction Contract Agreement, in an amount not to exceed \$485,155.10, for the State Highway 79 Widening – Muegge Way Intersection Improvements and related work, following completion of a Value Engineering process with the proposing firms by Town Staff. Voting was as follows:

YES:	Smith, Sus, Webb, Harrell, Oakley, Pindell, Pulliam
NO:	None

Mayor Royce Pindell declared the motion passed by unanimous vote.

4. 2020 Bennett Gives Back

Danette Ruvalcaba, Director of Finance and Technology, reported to the Board of Trustees the Bennett Eastern Star has applied for a Bennett Gives Back Grant in the amount of \$10,000.00. The Board of Trustees approved initial funding from the grant program to continue to accept application from non-profits as a result of monies remaining in the 2020 grant allocation.

Bennett Eastern Star suffered a water leak during the month of June which created a substantial water bill as well as the need for repairs. The total project for the Bennett Eastern Star is \$17,500.00.

The Bennett Gives Back Advisory Board recommended the funding of \$10,000.00 for repairs and renovations.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED, the Order of the Eastern Star be awarded grant funding in the amount of \$10,000.00 for repairs and renovations. Voting was as follows:

YES:	Webb, Harrell, Oakley, Pindell, Pulliam, Smith, Sus
NO:	None

Mayor Royce Pindell declared the motion passed by unanimous vote.

6. TOWN STAFF REPORTS

Town Administrator

Trish Stiles, Town Administrator provided the following report;

- A Special Meeting is scheduled for July 24th, 2020 for Executive Session beginning at 8 am. The Board Retreat will follow the Special Meeting. The meeting and retreat will take place via Zoom.
- Ms. Stiles will be out of town on July 28, 2020. The suggested start time for the board meeting is 5:45 pm. No study session is scheduled.
- Well 6 current testing has positive test results. The design of the pipes is underway.
- Town of Bennett maintains a healthy reserve contingency.

Assistant to the Town Administrator

Taeler Houlberg, Assistant to the Town Administrator provided the following report;

- Bennett Days 2020 will be relocated from Trupp Park to Civic Center Park. The Town will host a bike ride on the trail system. Some of the locations that will be highlighted are Trupp Park, Bennett Community Center, Anythink Library, Bennett Recreation Center, Bennett/Watkins Fire Rescue, VFW Post 8449, Bennett Community Food Bank, to mention a few. Social distancing will continue to be encouraged. QR Codes will provide information at each "check-in" point. Bennett Days will continue with the annual parade. Fireworks are schedule, however the Town will not provide a viewing area. The bull riding rodeo will not take place during Bennett Days 2020.

Town Clerk

Christina Hart, Town Clerk provided the following report:

- Bennett Municipal Court scheduled to begin hearings on July 22, 2020
- Clerk's Institute is hosting virtual classes.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Royce Pindell

Mayor Royce Pindell reported on the following:

- Will be available on July 28th, 2020
- Continue to support the Senior Citizen population with needs.
- Social Distancing guidelines will only allow for 6 people in the Town Hall Board Room.
- Firework shows at Byers and Deer Trail were dynamite. Mayor Pindell expressed gratitude to Trustee Smith for her assistance.

ADJOURNMENT

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 9:34 p.m. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus, Webb

NO: None

The Mayor declared the motion carried by unanimous vote.

Town of Bennett



Royce D. Pindell, Mayor



Taeler Houlberg
Town Clerk Pro Tem

In Process